

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1356 of 2018**

Raj Narayan Pandey Son of Jagdish Pandey, resident of Village Simari Halwa Patti, Police Station- Simari, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Buxar, District-Buxar.
2. Md. Kamaru Ansari, Son of Sultan Mian.
3. Uma Shankar Thakur, Son of Shivjee Thakur.
4. Ram Sagar Ram, Son of Ghuis Ram,
5. Bigan Mian, Son of Jabar Mian.
6. Rajendra Rajak, Son of Chaturi Rajak.
7. Md. Nizamuddin, Son of Late Dargahi Mian.
8. Ajay Thakur, Son of Bindeshwar Thakur.
- 9.1. Arbind Pandey, son of Late Lallan Pandey, at present residing at Nandi Bagan No.30 Hawrah, Solakiya, Police Station-Hawarah, District-Hawarah, West Bengal, Pin-711106, Permanent resident of Village-Simari (Halaw Patti), Police Station-Simari, District-Buxar, Pin-802135.
- 9.2. Awnish Pandey, son of Late Arbind Pandey, residing at Village-Simari (Halaw Patti), Police Station-Simari, District-Buxar, Pin-802135.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rang Nath Choubey, Advocate Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr.Raj Kishore Roy , Advocate Mr. Mirityunjay Kumar, Advocate Mr. Manjeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 28-08-2023 Heard the parties.

2. This application has been filed for setting aside the order dated 22.06.2018 passed by learned Munsif, Dumraon, Buxar in Title Suit No. 108 of 2015 by which learned Magistrate has allowed the intervention application filed by the intervenor dated 16.11.2017.

3. It has been submitted by learned counsel for the



petitioner that he has filed a title suit against the State of Bihar for correction of entry in the survey on *khatiyān*. Nine persons who are the opposite parties in the case filed an application under 1 Rule 10 C.P.C dated 16.11.2017 to be added as defendant in the aforesaid suit. It has further been submitted that the impugned order dated 22.06.2018 passed by learned Munsif in Title Suit No. 108 of 2015 is a cryptic and non-speaking order as he has not spelled out the basis on which the same has been allowed.

4. Learned counsel for the opposite parties submits that intervenors are the co-villagers and they have submitted before the court below that the petitioner is a encroacher, therefore, they may also be heard in the case.

5. I have considered the submissions of the parties.

6. The present application has been filed by the petitioner against State of Bihar. If the petitioner is an encroacher, it is for the State of Bihar to come out with that case. The opinion of this Court is that the intervenors are not proper and necessary party and therefore, they ought not to have been added as defendant in the suit and accordingly, this application is allowed. The impugned order dated 22.06.2018 passed by learned Munsif, Dumraon, Buxar in Title Suit No.



108 of 2015 is set aside.

7. Since, the title suit is of the year 2015, the Munsif, Dumraon, Buxar is directed to decide the same within a year of the receipt/communication of a copy of this order.

8. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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